

FILED

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CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
BY:

1 CHING-CHIN CHEN (Full Name)
2 chenc888@yahoo.com (Email Address)
3 818 La Cadena Ave apt 4 (Address Line 1)
4 Arcadia, Ca 91007 (Address Line 2)
5 (626) 574-8280 (Phone Number)

6 Plaintiff in Pro Per
7 (indicate Plaintiff or Defendant)

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **CV18-7403-SJO (Ex)**
12 Case No.:
13 (To be supplied by the Clerk)

12 CHING-CHIN CHEN,

13 **PLAINTIFF,**

14 **vs.**

15 Santa Monica College District

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17
18
19
20 **DEFENDANT(S).**

11 **COMPLAINT FOR:**

12 AGE discrimination

13 Wrongful termination

14 Retaliation

15 **Jury Trial Demanded: ☒ Yes ☐ No**

21 **I. JURISDICTION**

22 1. This Court has jurisdiction under _____

23 This court has jurisdiction under 28 U.S.C § 1331.

24 Federal question jurisdiction arise pursuant to federal
25 laws.

II. VENUE

2. Venue is proper pursuant to 28 U.S.C. § 1391 because the
events giving rise to this complaint happened in this district

III. PARTIES

3. Plaintiff's name is CHING-CHIN CHEN. Plaintiff resides
at: 818 La Cadena Ave. Apt L
Arcadia, CA 91007

4. Defendant Santa Monica College District
1900 Pico Boulevard
Santa Monica, CA 90405

5. Defendant _____

IV. STATEMENT OF FACTS

1
2
3 Insert ¶ # Plaintiff worked as a part-time instructor in Math
4 Department of Defendant's College - Santa Monica College (SMC)
5 CHING-CHIN CHEN was one of good instructors, who carries a title of
6 an Associate Faculty. CHING-CHIN CHEN has the seniority to be
7 able to teach 8 units classes in Spring and Fall semesters; also
8 teach 5-unit class in Winter and Summer intersessions until
9 2015. But started the beginning of Year 2016, everything had been
10 changed. CHING-CHIN CHEN was from a good performance instructor
11 to be a poor instructor. Finally CHING-CHIN CHEN has been terminated
12 the employment at the end of year 2016. CHING-CHIN CHEN was a
13 Insert ¶ # teacher for 16 years in her home country, then studied 15 years in
14 one of state university of California. CHING-CHIN CHEN has been
15 studying and teaching in her whole life, but CHING-CHIN
16 CHEN was terminated her lovely employment because of
17 the poor teaching skills.
18

19 Actually, on 12-10-14, Jennifer Merlic from president of SMC
20 office announced that Mitra Moassessi has been hired to be
21 the Math Department Chair of SMC from July 2015 to June
22 Insert ¶ # 2019. It was right after Mitra finished the term of president
23 of Union of SMC.

24 On 12-14-14, Mitra started to email CHING-CHIN CHEN and
25 ask CHING-CHIN CHEN to call Human Resources of SMC about
26 CHING-CHIN CHEN's years of service credit and retirement.
27 Then, on 4-16-2016, Mitra evaluated one of CHING-CHIN CHEN's
28 Math class, which was Math 81 - Basic skills of mathematics. Mitra

gave the result of "Need Improvement" which means CHING-CHIN CHEN needs the other evaluation in Fall semester of 2016. In May 2016, ^{Insert ¶ #} Mitra and CHING-CHIN CHEN had an after evaluation conference in Math Department office. Mitra talked to CHING-CHIN CHEN that CHING-CHIN CHEN was too old. CHING-CHIN CHEN should be retired. If CHING-CHIN CHEN retired in June 2016, CHING-CHIN CHEN can keep the seniority and still be able to get assignments. Otherwise, CHING-CHIN CHEN's seniority would be taken off and no way to get any assignment. In August 2016, CHING-CHIN CHEN filed the Unlawful Complaint to Human Resources of SMC about AGE discrimination.

^{Insert ¶ #} In October 2016, Diem Nguyen was assigned to be CHING-CHIN CHEN's evaluator and evaluated CHING-CHIN CHEN's Math 31 (Beginning Algebra) Class. Diem Nguyen slept in class and acted as a small kid in class.

On 12-8-2016, the Human Resources of SMC mailed the result of Complaint. It showed "No AGE discrimination". On 12-16-2016, Diem Nguyen gave the result of evaluation "Unsatisfactory". also did the after evaluation conference in Diem's office.

At that time, Mitra sit on CHING-CHIN CHEN's left hand side ^{Insert ¶ #} with a short distance, and Kelleen M (the Vice Chair of Math Dept) sit next to CHING-CHIN CHEN on right hand side. Colleen said everything based on Diem's feeling at the time of evaluation. Nothing can be changed.

On 12-23-2016, Jennifer Merlic emailed CHING-CHIN CHEN about the termination of employment. It is just follow the Union Agreement. Also, Jennifer said this is the purpose of peer-evaluation.

On 1-12-2017, CHING-CHIN CHEN received an email regarding
 the appeal to Board of Trustees of SMC, the meeting would ~~discuss~~
 discussed the case, which has been filed to Human Resources of SMC.
 On 1-17-2017, CHING-CHIN CHEN had no chance to talk, because
 the Board of Trustees did not put CHING-CHIN CHEN'S case in that
 meeting. But after that meeting, CHING-CHIN CHEN received
 the same result letter from Human Resources of SMC. Then,
 the president of Union SMC, Peter Morse, said that the
 Board of Trustees upheld the decision, which had made
 by Santa Monica College. CHING-CHIN CHEN remembered
 on email from Union SMC said that three "Associated
 Faculty's" part-time instructors won a law suit after
 SMC took away their title - Associated Faculty and terminated
 their employment. Also, CHING-CHIN CHEN remembered that
 whenever CHING-CHIN CHEN tried to solve the problem, talking
 to Peter Morse, Mitra was always around.

V. CAUSES OF ACTION

FIRST CAUSE OF ACTION

(AGE discrimination)
insert title of cause of action

(As against Defendant(s): Santa Monica College District (SMCD))

Since Santa Monica College District hired Mitra Moassessi
Insert ¶ #
be the Math Department Chair. SMCD is responsible for Mitra M's
behavior. Mitra said CHING-CHIN CHEN is too old and used the
way to want CHING-CHIN CHEN to retire.
But, SMCD told that Mitra needs the form on file, because
the form on file is a requirement to receive class assignments.

Violation of ADEA
Insert ¶ #

Plaintiff realleges paragraphs above.
By doing the act(s) described in paragraph above,
Defendant cause and/or permitted the violation of
Plaintiff's right to guaranteed by ADEA.

Insert ¶ #

SECOND CAUSE OF ACTION

(~~THE~~ **WRONGFUL Termination**)
insert title of cause of action

(As against Defendant(s): Santa Monica College District (SMCD))

Jennifer Merlic has been hired by SMCD as a Dean of Instructional Service; and Diem Nguyen has been hired by SMCD as a full-time math professor. CHING-CHIN CHEN got poor evaluation, where students evaluations were good. It shows that everything because of the discrimination, which made CHING-CHIN CHEN from good performance became poor performance.

Jennifer Merlic did^a "wrongful termination" to CHING-CHIN CHEN.

Violation of ADEA
Insert ¶ #

Plaintiff recalls paragraph above.
 By doing the acts described in paragraph above.
 Defendant cause and/or permitted the violation of Plaintiff which guaranteed by ADEA.

THIRD CAUSE OF ACTION

(Retaliation)

insert title of cause of action

(As against Defendant(s): Santa Monica College District.
(SMCD))

CHING-CHIN CHEN
Where over CHING-CHIN CHEN done / talked to someone,
Insert ¶ #
Mitra was always around, which reminded CHING-
CHIN CHEN the AGE discrimination.

Violation of ADFA
Insert ¶ #

Plaintiff realleges paragraph above.
By doing the acts described above. Defendant
cause and/or permitted the violation of Plaintiff's
right which guaranteed by ADFA

Insert ¶ #

VI. REQUEST FOR RELIEF

WHEREFORE, the Plaintiff requests:

1. I want the reimbursement of my title
2. I want the reimbursement of my retire right
3. I want the reimbursement of my ~~address~~ assignments.
4. I want the reimbursement of Money from winter 17 to now
5. I want the reimbursement of my good representation, because other colleges are using this way to terminate my employment.
6. I want the reimbursement of my Health insurance.
7. I want the reimbursement of the money for my mental health and others.

Dated: 8-22-2018

Sign:

Chen Chen

Print Name:

CHEN - CHEN CHEN

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Page Number

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a jury trial on all issues raised in this complaint.

Dated: 8-22-18

Sign: Ching-Chin Chen

Print Name: CHING-CHIN CHEN